



TFW

PATENT  
ATTORNEY DOCKET NO.: 040894-7191-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Itaru Homma et al. )  
 )  
U.S. Application No.: 10/526,669 ) Confirmation No.: 3155  
 )  
Filed: March 4, 2005 ) Group Art Unit: 4111  
 )  
For: CARBON FINE POWDER COATED WITH ) Examiner: Etheridge, Empress A.  
METAL OXIDE, METAL NITRIDE OR )  
METAL CARBIDE, PROCESS FOR )  
PRODUCING THE SAME, AND )  
SUPERCAPACITOR AND SECONDARY )  
BATTERY CARBON FINE POWDER )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window**  
Randolph Building  
Alexandria, VA 22314

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Election/Restriction Requirement dated January 8, 2009, the period for reply to which extends through February 8, 2009, Applicants provisionally elect Group I covering claims 1-5.

**REMARKS**

The Examiner has made an election/restriction requirement necessitating election between the following groups of claims:

Group I, claim(s) 1-5, drawn to a coated carbon fine powder;

Group II, claim(s) 6-8, drawn to a process for producing a carbon fine powder;

Group III, claim(s) 9-18, drawn to a supercapacitor;

Group IV, claim(s) 19-25, drawn to a high performance secondary battery;

Group V, claim 26, drawn to a high performance secondary battery.

In response to the election/restriction requirement, Applicants hereby elect to proceed with the examination of claims 1-5 that are designated by the restriction requirement as being in Group I.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS, LLP**

By: 

Robert J. Goodell  
Reg. No. 41,040

Dated: January 28, 2009

CUSTOMER NO.: 009629  
MORGAN, LEWIS & BOCKIUS, LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
Tel 202.739.3000  
Fax 202.739.3001